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DAN SMOOT

THE TIME OF TERROR IS UPON US - - Part III

This is the third issue of a six-part series. The last issue (June 15) will contain conclusions, suggestions, and documentation. Please read each issue as received, then reread all six at one time. Distribute the set of six as widely as possible. The public must be informed of what is going on, and of what can be done about it.

On Saturday and Sunday, February 14 and 15, 1970, while Judge Julius Hoffman was handing down contempt-of-court sentences against the seven defendants and two defense lawyers in the Chicago Seven trial, a gang of new leftists (many of them lawyers and college students) milled around the federal building, shouting such chants as "two, four, six, eight, jail Hoffman, smash the state."[15]

On February 17, 1970, while the jury was still deliberating, about 1000 leftists demonstrated at the courthouse, chanting such calls as "free the conspiracy, jail the judge." At noon, William Kunstler spoke to the mob in the plaza of the building. He told them he expected similar demonstrations in support of the Chicago Seven to be held throughout the nation.[16]

On February 18, the jury brought in a verdict. Two of the Chicago Seven (John Froines and Lee Weiner) were found innocent of all charges against them. The other five defendants were found guilty of violating the 1968 Civil Rights Act by crossing state lines with intent to incite riots in Chicago during the 1968 Democrat National Convention; but they were found innocent of acting in a planned and widespread conspiracy.[17]

After the jury had announced its verdict, the jurors were transported away from the federal building in a bus. As the bus went up a ramp from the basement, demonstrators, leaning over railings above, spat down on the bus and threw rocks and paper at it.[17]

That night — February 18 — William Kunstler spoke to a crowd of about 3000 at the University Disciples of Christ church in Chicago, urging his listeners to organize mass demonstrations in the streets to protest the convictions of the Chicago Seven, saying:

"You must demonstrate at the price of filling their streets and perhaps their jails. These

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convictions can be the most important convictions in American history if we rally around them."[17]

The next evening — February 19 — Kunstler spoke to an overflow crowd at Cahn auditorium in Evanston, Illinois, urging young people to take to the streets for demonstrations against injustices of the establishment. Following his speech, students went on a rampage, breaking windows in local businesses, doing damage estimated at $20,000.[18]

On February 20, Judge Hoffman pronounced sentence against the five Chicago defendants whom the jury had found guilty. He sentenced each one to serve five years in federal prison, to pay a $5000 fine, and to pay a pro-rata share of the costs of prosecution. The defendants' prison sentences were to run concurrently with their sentences for contempt of court.[19]

When he began the sentencing procedure, Judge Hoffman invited attorneys Kunstler and Weinglass to speak to the court on matters they thought might mitigate the sentences. Kunstler declined, saying the defendants would speak for themselves. The defendants spoke, each one berating Judge Hoffman and American institutions.

Defendant David Dellinger's speech was especially revealing of the destructive purpose and twisted mentality of the communist new left. Dellinger said:

"Every judge should be required to spend time in jail so he can become aware of the degrading and anti-human conditions to which he sentences people. . . .

"All prisoners, we must realize, are political prisoners. The bank robber I talked to yesterday [in Cook County jail] was only trying to get his in the ways he thought were open to him."[19]

In his speech, defendant Rennard Davis said:

"My jury will be in the streets all over this country, and it will keep voting for the five years you are going to put me away. When I get out, I'm going to move right next door to Mr. Foran [chief prosecutor], and I'm going to turn his kids into revolutionaries. We're going to turn the sons and daughters of the ruling class into Vietcong [Vietnamese communist guerrillas]."[19]

In his speech, defendant Abbot Hoffman said, among other things:

"The government says I'm an enemy of the state. Well, I am an enemy of the state that is America spelled with a 'k.'"[19]

After all defendants had finished speaking, Judge Hoffman pronounced the sentences, and was about to close the trial when Kunstler erupted. Without permission to speak, he said:

"After listening to them [the defendants] . . . we know that what they have said here has more meaning and will be longer remembered than any words said by you or me — if you could ever begin to understand that simply."[19]

Judge Hoffman cut him off, saying, "I won't hear any more from you. I offered you your chance, and you turned it down."[19]

With tears in his eyes, Kunstler said, "Oh, couldn't you let me speak just these last words without cutting me off?"[19]

"No, I can't," Judge Hoffman said.[19]

Judge Hoffman refused bail for the five convicted defendants just as he had refused bail on the contempt-of-court sentences against them, the other two defendants, and the two lawyers. He denied bail on grounds that they are all too dangerous to be at large.

Kunstler and Weinglass appealed Hoffman's ruling that the seven defendants could not be released on bond while appeals of their convictions are pending. The ruling that Kunstler and Weinglass were to be jailed without bond on May 4 was also appealed.

The American Civil Liberties Union filed a "friend of the court" brief, asking the Seventh

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U. S. Circuit Court of Appeals to overrule Judge Hoffman, and let the Chicago Seven out on appeals bonds. Former Attorney General Ramsey Clark signed the brief. Kunstler said four United States Representatives, who are lawyers, would circulate a petition in Congress urging the appeals court to free the seven.

He identified the four, all Democrats, as Philip Burton of California; John Conyers, Jr., of Michigan; Benjamin S. Rosenthal of New York City (Queens); and William F. Ryan of New York City (Manhattan). He said the congressional petition was supported by two U. S. Representatives (also Democrats) who are not lawyers: Mrs. Shirley E. Chisholm of Manhattan, and William Clay of Missouri.[20]

Kunstler immediately began a nationwide speaking tour, to raise money and stir up protests. Violence followed in his wake.

He spoke to about 5000 new-left barbarians in Bryant Park, New York City, recommending street demonstrations. Following his speech, hundreds of young hoodlums swarmed up Fifth Avenue and Sixth Avenue, breaking windows and throwing rocks at police.[21]

Shortly thereafter, Kunstler spoke to several thousand new leftists in Washington, D. C. Young hoodlums — chanting obscenities, and carrying the communist flag of the Vietcong — rushed from the meeting place, throwing rocks at police and at government buildings, trying to tear down American flags. Police managed to save the 50 U. S. flags at the base of the Washington monument.[21]

On February 24, 1970 — one day before Kunstler was scheduled to speak on the campus of the University of California at Santa Barbara — sheriff's deputies stopped Lefty Bryant on a street in Isla Vista (community adjacent to the university campus. They wanted to question Bryant, a former Negro student, about recent burglaries in the area. Some 50 students surrounded the deputies, cursing and threatening them. A firebomb was thrown under the squad car, wrecking it. When the deputies arrested James Trotter (a former UCSB student) for throwing the bomb, they had to fight off a swelling mob of students.[22]

Later that night, students and street people swarmed through the village of Isla Vista, barricading streets, setting bonfires, breaking windows of the Bank of America and of other buildings.

The next afternoon, February 25, Nancy Rubin (wife of Jerry Rubin, one of the Chicago Seven) and William Kunstler spoke to about 5000 people at a rally in the football stadium on the campus of the University of California at Santa Barbara. On the platform with them was Stanley Sheinbaum of the Center for the Study of Democratic Institutions (the tax-exempt, Ford-Foundation-financed revolutionary organization whose board of directors is composed of such people as Supreme Court Justice William O. Douglas). John Seeley, a former fellow at the Center, also shared the platform.

In her speech, Nancy Rubin said:

"There is no justice in the courtrooms, and we may have to take justice to the streets."[22]

Referring to the street violence that had occurred in the Santa Barbara suburb the night before, Mrs. Rubin said:

"The Chicago Seven felt good when they heard about Santa Barbara."[22]

Kunstler delivered an hour-long harangue against the institutions of American society. He called the Chicago Seven "the finest type of conspirators," and expressed hope that "their little band grows and grows."[22]

Urging his listeners to "fill the streets so they can see you," Kunstler ended his speech by shouting the new-left slogan that was inspired by the communist dictator of China: "Power to the People!" Like the Red Guards of communist China today, and the Hitler youth of yore, Kunstler's listeners roared their response: "Right on, to the streets; right on, to the streets."[22]

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And to the streets they went, a few hours later, about two thousand of them, burning and destroying, venting their bestiality, behaving worse than mad dogs. Outnumbered police were battered with rocks, bottles, clubs, iron bars, pieces of concrete. Cars were overturned, windows smashed. A sheriff's patrol car was overturned and burned, while the two deputies fled for their lives.

Vandals set fire to the Bank of America and burned it into a mass of rubble. Eighty police officers tried to enter the area to rescue a security guard believed to be trapped inside the bank. About 1000 new-left savages surrounded them, and the police had to fight their way out.[22]

Because of the danger that demonstrators would attack firemen, sheriff's deputies would not let fire fighters near the burning bank.[23]

As the bank burned, students threw cardboard on the flames, shouting "death to the corporations,"[24] and "burn, baby, burn."[21] Other rioters were seen using the bank's telephones for long distance calls.[22]

As the Isla Vista rioting began to wane, some of the demonstrators talked to the press, claiming they were protesting the war in Vietnam and the "capitalist establishment" which finances the war. Kevin McEhinny, age 17, was quoted as saying the Bank of America was burned "because it was there . . . the biggest capitalist establishment thing around." Another demonstrator, who declined to give his name, said the bank "is an example of American capitalism which is killing people all around the world and in the United States."[22]

On February 26 (while rioting was still going on in Isla Vista), Vernon I. Cheadle, chancellor of the University of California at Santa Barbara, said that students are allowed to invite whom they please as speakers, and that he sees no reason why Kunstler should not have been allowed to speak.[22] Cheadle also said that, though the university is concerned about its own property, he thinks expulsion of rioting students is too drastic a move.[25]

Rioting in Isla Vista did not end until late Friday night, February 27, when rain and riot-trained National Guard troops cleared the streets. The community's business district was in shambles. The bank building and two patrol cars had been destroyed. Eight sheriff's cars had broken windows. Twenty-seven police officers and sheriff's deputies were injured, four of them requiring hospitalization; and 10 demonstrators were injured. About 150 people were arrested, mostly on unlawful assembly charges.[26]

Criminal charges were filed against 19 UCSB students and one UCSB faculty member (Dr. William Allen, assistant professor of anthropology) for committing acts of violence during the riots.[22]

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